

UNITED STATES DISTRICT COURT
for the
Western District of North Carolina

United States of America)
v.)
HERMAN JUNIOR BYRD) Case No: 5:97CR109-2
) USM No: 13043-058
Date of Original Judgment: March 15, 1999)
Date of Last Amended Judgment: January 21, 2003)
) Thomas Cochran
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ is reduced to _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: 43 Amended Offense Level: 42
Criminal History Category: III Criminal History Category: III
Original Guideline Range: 240 months Amended Guideline Range: 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
 The reduced sentence is above the amended guideline range.
 Other (explain): The application of Amendment 750 provides no change in the guideline calculations in this case.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated March 15, 1999, shall remain in effect.

IT IS SO ORDERED.

Order Date: August 30, 2012

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

